



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/543,042	07/21/2005	Graham Robertson	920602-99890	9184
23644	7590	12/21/2009	EXAMINER	
BARNES & THORNBURG LLP			GONZALEZ, MADELINE	
P.O. BOX 2786			ART UNIT	PAPER NUMBER
CHICAGO, IL 60690-2786			1797	
NOTIFICATION DATE		DELIVERY MODE		
12/21/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Patent-ch@btlaw.com

Response to Arguments

Applicant's arguments filed on December 15, 2009 have been fully considered but they are not persuasive.

In response to applicant's argument that there is no discussion in Adams of the orientation of warp wires and weft wires relative to the support structure: This is not persuasive. Adams teaches a screen 190, having a support 191, and teaches the orientation of the weft and warp wires, for example in Figs. 4-13.

In response to applicant's argument that there is no disclosure or suggestion in Adams of orientating a woven wire cloth in such a screen with its warp wires extending across the width of a rectangular opening in the support structure: This is shown in Figs. 4 and 8, for example, since warp wires 104, 106, 144, 146, are extending across the width.

In response to applicant's argument that there is no disclosure in Adams of the relationship of the screen to the support: Adams teaches a screen, as shown in Figs. 4-13, and teaches that the screens can have a frame 191, as shown in Fig. 17A.

In response to applicant's argument with respect to claim 2: Adams teaches the screen bonded to the frame, as shown in Fig. 17A, and the bonded to the lattice struts (see paragraph 0057 and 0060).

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., all the warp wires are of greater cross sectional area than all of the weft wires) are not recited in the rejected claim(s). Although the claims are interpreted in light of the

specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). However, it would be obvious to provide all the warp wires of a greater cross sectional area than all of the weft wires since the courts have held that where the only difference between the prior art and the claims was a recitation of relative dimensions of the claimed device and a device having the claimed relative dimensions would not perform differently than a prior art device, the claimed device was not patentably distinct from the prior art device (see *In re Gardner v. TEC Systems, Inc.*, 725 F.2d 1338, 220 USPQ 777 (FED. Cir. 1984), cert. Denied, 469 U.S. 830, 225 USPQ 232 (1984)).

Applicant stated that Figs. 6 and 7 shows prior art, and that the present invention is shown in Fig. 8; however, there appears to be no difference between the embodiment shown in Fig. 6 and the embodiment shown in Fig. 8. Clarification is required if applicant decides to file a response.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MADELINE GONZALEZ whose telephone number is (571)272-5502. The examiner can normally be reached on M, T, Th, F- 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on 571-272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Krishnan S Menon/
Primary Examiner, Art Unit 1797

Madeline Gonzalez
Patent Examiner
December 15, 2009